

SUPERIOR COURT, COUNTY OF SAN BERNARDINO
DISTRICT

Case No. _____

Case Name: _____

**ORDER APPOINTING COUNSEL FOR CONSERVATEE,
PROBATE CODE SECTIONS 1470, 1471, and 2356.5(f)(1)**

The Court appoints private legal counsel for the conservatee (proposed conservatee), based upon the following determination:

1. The conservatee is not represented by legal counsel **AND**
2. Counsel would be helpful to the resolution of this case or is necessary to protect

the conservatee's interests because: (check all that apply)

- a. ☐ Allegations of physical or financial abuse to the conservatee
- b. ☐ Objection by proposed conservatee to the Conservator(mandatory)
- c. ☐ Request by proposed conservatee for counsel in a petition to establish Conservatorship (mandatory)
- d. ☐ Request by proposed conservatee for counsel in a petition to terminate a Conservatorship (mandatory)
- e. ☐ Request by proposed conservatee for counsel in proceedings to remove the conservator (mandatory)
- f. ☐ Request by proposed conservatee for counsel when there is a proceeding for a court order affecting the legal capacity of the conservatee (voting rights, fix residence, etc.) (mandatory)
- g. ☐ Dementia powers being requested (mandatory)
- h. ☐ Petition seeking order to remove a temporary conservatee from the temporary conservatee's residence (mandatory)

- i. ☐ Seeking a Limited Conservatorship (mandatory)
- j. ☐ Petition for Substituted Judgment
- k. ☐ Petition to Transfer Property to Competent Spouse

IT IS THEREFORE ORDERED THAT:

Pursuant to Probate Code Sections 1470, 1471 or 2356.5, the Court hereby appoints _____, whose office address and telephone number are _____ as counsel for the proposed conservatee/conservatee _____.

Counsel is appointed to address the following issue(s):

Counsel shall have:

1. Reasonable access to the proposed conservatee/conservatee with adequate notice;
2. Notice of any proceeding;
3. Access to any and all documents, report, and test results pertaining to the proposed conservatee/conservatee from therapists, physicians, mental health professionals, regional centers, etc.;
4. Full access to any mental health professional and/or medical professional treating the proposed conservatee/conservatee;

5. Full access to daycare providers, home health care providers, and any other individual who, in the attorney's opinion, has information which would be beneficial to the attorney in representing the proposed conservatee's/conservatee's best interests;
6. The right to assert any privilege on behalf of the proposed conservatee/conservatee;
7. The right to veto any physical or psychological evaluation, for purposes of the proceedings, which has not been ordered by the Court; and
8. The right to seek independent psychological or medical evaluation for purpose of any pending proceeding, upon application to the Court.

The attorney shall advise the Court as to the client's wishes in the proceeding. The attorney shall also evaluate the issues before the Court and report to the Court his/her observations and recommendations or opinions as to what actions are in the client's best interests. In the event of an irreconcilable conflict between the wishes of the client and the recommendations of the appointed attorney concerning the best interests of the client, the appointed attorney shall, at the earliest opportunity, advise the Court of such conflict. The attorney shall, if practical, ensure that the client is afforded an opportunity to address the Court directly. The Court, in its discretion, may discharge the existing appointed counsel and appoint a new attorney to represent the interests of the client in further proceedings.

Dated: _____

Judge/Commissioner